

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK BOUSSUM, et al.,

Plaintiffs,

v.

Case Number: 09-12929
HON. MARIANNE O. BATTANI

D. Scutt, et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION TO
DENY PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION
AND TO DENY PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Plaintiffs Mark Boussum, Benjamin Platt, and Kenneth Harrison filed a complaint challenging conditions of confinement at the G. Robert Cotton Correctional Facility in Jackson, Michigan. The matter was referred to Magistrate Judge Mark A. Randon for pretrial proceedings.

In a Report and Recommendation ("R&R") dated February 16, 2010, Magistrate Judge Randon recommended that Plaintiffs' Motion for Preliminary Injunction and Motion for Class Certification be denied. See Doc. No. 25.

Pursuant to 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2), a party seeking review of a magistrate judge's report and recommendation is required to act within ten days of service of the R&R. Magistrate Judge Randon informed the parties that a failure to file objections waives any further right of appeal. See R&R at 8-9. Neither party filed an objection. Because no objection has been filed in this case, the parties waived their right to appeal.

The Court finds the R&R accurately articulates the law and presents a well-reasoned, persuasive analysis of the application of governing law to the facts of this case, and the Court **ADOPTS** the Report and Recommendation. Accordingly, the motions are **DENIED**.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATE: March 20, 2010

CERTIFICATE OF SERVICE

Copies of this Order were mailed and/or e-filed to Plaintiffs and counsel of record on this date.

s/Bernadette M. Thebolt
Case Manager